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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/743,004	12/29/2000	Mikio Iwamura	15689.63	3051

22913 7590 06/29/2007

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EXAMINER

CASCA, FRED A

ART UNIT	PAPER NUMBER
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2617

MAIL DATE	DELIVERY MODE
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06/29/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/743,004	Applicant(s) IWAMURA ET AL.	
	Examiner Fred A. Casca	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 10, 58 and 59 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10, 58 and 59 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to applicant's amendment filed on April 20, 2007. Claims 10 and 58-59 are still pending in the present application. **This Action is made FINAL.**

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 10 and 58-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamabe (US Patent Number 5,603,082) in view of Watanabe et al (Non-Patent Literature document cited as document number 2 in IDS filed on June 02, 2005:B-259 Base Station Code Assignment for A CDMA/TDD System, Page 259. 1995 IEICE (the Institute of Electronics, Information and Communication Engineers) Communication Society Convention).

Regarding claim 10, Hamabe discloses a mobile communications system (Figure 1) allowing the mobile station (21) communicating with a plurality of base stations (11-13) to decide a sector the mobile station waits for or communicates with, by using grouped channel identifiers (for example, group 1, slots 1-6; group 2: slots 7-12; group 3: slots 13-18) sent from sectors (at the BS) to the mobile station, including:

means for (inherent) assigning channel identifiers belonging to a same group (for example, group 1: slots 1-6 are assigned to BS 11) to the sectors within a same base station (column 7, line 55 to column 8, line 20; column 10, lines 20-58; column 12, lines 1-33),

wherein said base station includes means for setting the assigned channel identifiers to the sectors (col. 7, line 55 to col. 8, line 20, "base station 11 uses slots 1 to 6 of identification signal announcing channels to report a identification signal having each identifier for each sector antenna via the sector antennas 31a ..., 31f ... base station 12 uses slots 7-12 report ...", note that the above functions qualify the base station to include means for setting assigned channel identifiers to the sectors);

means for (inherent) setting a notified information to send to a visiting mobile station (mobile station 21 is "visiting") a notification (identification signal), said notified information including of any one of channel identifiers assigned to sectors of one of neighboring base stations, and/or a notification of a group number to which the channel identifiers belong. (Col. 7 line 55 to col. 8, line 20, Column 9, lines 41-55; column 10, lines 20-58; column 12, lines 1-33, "If a communication request arises between the base station 11 and the wireless terminal 21, the wireless terminal 21 receives identification signal announcing channels in order, measuring respective levels", "When the report from the base station 13 is complete, the base station 11 again begins reporting, repeating the same cycle").

Hamabe fails to disclose: means for recording the group of the channel identifier; means for receiving the channel identifier from the base station; and means for searching for other channel identifiers in a same group as the channel identifier received by said receiving means belongs to, prior to channel identifiers in the other groups, as claimed.

In the same field of endeavor, Watanabe discloses means for recording the group of the channel identifier; means for receiving the channel identifier from the base station; and means for "prior" searching for other channel identifiers in a same group as the channel identifier received by said receiving means belongs to, prior to channel identifiers in the other groups, as

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explained with the rejection of claims 9 and 12 above, explanation that is incorporated by reference.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Hamabe as claimed for the advantage of better frequency reuse and increased service capacity.

Regarding claim 58-59, the combinations of Watanabe/Hamabe disclose everything claimed as applied above (see rejection of claim 10), and further disclose the channel identifier consists of a spreading code or a carrier frequency (Hamabe, column 1, line 35: Hamabe's channel is carrier frequency). The channel identifier is included in a perch channel (control channel) signal (column 5, lines 64-67). Additionally, Watanabe discloses that the channel identifier consists of a spreading code or a carrier frequency; and the channel identifier is included in a perch channel signal (page 3, lines 2, and 9-23).

Response to Arguments

4. Applicant's arguments with respect to claims 10 and 58-59 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fred A. Casca whose telephone number is (571) 272-7918. The examiner can normally be reached on Monday through Friday from 9 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid, can be reached at (571) 272-7922. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


GEORGE ENG
SUPERVISORY PATENT EXAMINER